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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,845	12/09/2003	Arnold H. Bramnick	BOC9-2003-0040 (410)	5227

40987   7590   07/17/2008
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EXAMINER
LIOU, ERIC

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
07/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/730,845	BRAMNICK ET AL.
	Examiner	**Art Unit**	
	Eric Liou	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 April 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Applicant has amended claims 1, 8, 15. Claims 1-15 remain pending and are presented

for examination.

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 8, and 15 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al.,

U.S. Publication No. 2003/0225600 in view of Ingram, "Travellers Leave for Portugal after 24-

hour Wait for Plane", The Globe and Mail (Canada), June 26, 1986, pg. A21 and further in view

of Boies et al., U.S. Publication No. 2002/0173978.

3.   **As per claims 1 and 8**, Slivka teaches a method and a machine readable storage for re-

booking passengers from cancelled flights, comprising the steps of:

        determining a plurality of alternative flights for said passengers offered by an airline

operating said cancelled flights and other airlines (Slivka: paragraphs 0006; 0014-0015,

"...moving passengers to a different airline");

        obtaining passenger data for each of said passengers (Slivka: Fig. 1, "120"; paragraphs

0033; 0034, "passenger information may be obtained"), wherein said passenger data comprises

passenger re-booking costs that include a cost to said airline which has cancelled a flight to re-

book said passenger on one of said alternative flights offered by said other airlines (Slivka:

paragraphs 0014; 0015, "provider cost of moving passengers to a different airline");

weighting passenger data based upon expressed preferences of said airline (Slivka:

paragraph 0035; Disrupted passengers are ranked and given weights.);

for each of said passengers, determining a score based upon the passenger data elements

(Slivka: paragraph 0037, "PNR value");

comparing said scores for said passengers with one or more rules (Slivka: Fig. 1;

paragraph 0024, "Rules engine 113 may be a set of instructions, that when executed by a

processor (e.g., CPU 104) perform a process that determines values associated passengers based

on one or more travel rules."; paragraphs 0035; 0037; The ranking of disrupted passengers

allows the system to compare the scores of each passenger relative to one another.); and

offering at least a portion of said alternative flights to said passengers based upon said

comparing step (Slivka: Fig. 1; Fig. 2, "235"; Fig. 3; paragraph 0045).

4.   Slivka does not explicitly teach accommodation costs associated with each one of said

alternative flights offered by said airline, including hotel and meal charges, of accommodating

the passenger until said alternative flight offered by the airline is available; weighting each

element of passenger data using a predetermined set of weights; and determining a weighted

score based upon weighted data elements.

5.   Ingram teaches accommodation costs associated with each one of said alternative flights

offered by said airline, including hotel and meal charges, of accommodating the passenger until

said alternative flight offered by the airline is available (Ingram: paragraphs 0003; 0008-0009).

6.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified the method and machine readable storage of Slivka to have included

accommodation costs associated with each one of said alternative flights offered by said airline,

including hotel and meal charges, of accommodating the passenger until said alternative flight

offered by the airline is available as taught by Ingram for the advantage of accommodating

disrupted passengers and maintaining customer satisfaction.

7.   Slivka in view of Ingram does not explicitly teach weighting each element of passenger

data using a predetermined set of weights; and determining a weighted score based upon

weighted data elements.

8.   However, Boies teaches a known technique of weighting each element of passenger data

using a predetermined set of weights (Boies: paragraphs 0034; 0037; 0044; Weights are

established for the user for different travel factors.) and determining a weighted score based upon

weighted data elements (Boies: paragraph 0053; Each factor is multiplied by the user's

preference weights to generate a score.). This known technique is applicable to the method of

Slivka as they both share characteristics and capabilities, namely, they are directed to scoring

different elements to determine the ideal solution for a travel reservation/booking system.

9.   One of ordinary skill in the art would have been recognized that applying the known

technique of Boies would have yielded predictable results and resulted in an improved system. It

would have been recognized that applying the technique of Boies to the teachings of Slivka

would have yielded predictable results because the level of ordinary skill in the art demonstrated

by the references applied shows the ability to incorporate such weighting features into similar

systems. Further, applying the technique of weighting and scoring elements to Slivka with a

passenger re-accommodation system would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow one to select the passenger or solution that is most desirable to the airline.

10.   **As per claims 2 and 9**, Slivka further discloses the said passenger data for each of said passengers comprises remaining unflown ticket value and a passenger lifetime value (Slivka: paragraphs 0033-0035).

11.   **As per claims 3 and 10**, Slivka further discloses the said passenger lifetime value comprises at least one of the frequent flyer status of the passenger and the ticket purchase history of the passenger (Slivka: paragraph 0035).

12.   **As per claims 4 and 11**, Slivka further discloses the said passenger data is provided real time (Slivka: paragraph 0034, "…the passenger information may be obtained from the departure control system, which is the computer system used at the gate before check-in." The Examiner interprets the departure control system as providing passenger data in real time.).

13.   **As per claims 5 and 12**, Slivka further discloses the said re-booking flights are determined from flight inventory data and reservation data (Slivka: paragraph 0032, "Operations database 118"; paragraph 0036, "…re-accommodation driver 111 may retrieve from operations database 118 seat availability information associated with each flight included in the flight schedule information." The Examiner interprets seat availability information to be flight inventory data and reservation data.).

14.   **As per claims 6 and 13**, Slivka further discloses the said passenger data is obtained from at least one selected from the group consisting of accounting data, customer relationship management data, and loyalty data (Slivka: paragraph 0035, see passenger database 120).

15.   **As per claims 7 and 14**, Slivka further discloses a value score for each of said

passengers is obtained using said passenger data (Slivka: paragraph 0037, "re-accommodation

driver 111 may determine a PNR value"), and said re-booking flights are offered to each of said

passengers based upon said passenger value score (Slivka: paragraphs 0044; 0045).

16.   **As per claim 15**, the limitations of the claim are substantially similar to those of claims 1

and 8. Therefore, the limitations of claim 15 are rejected under the same rationale as described

for claims 1 and 8 above.

Conclusion

17.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

The Examiner has cited particular portions of the references as applied to the claims

above for the convenience of the Applicant. Although the specified citations are representative

of the teachings in the art and are applied to the specific limitations within the individual claim,

other passages and figures may apply as well. It is respectfully requested that the Applicant, in

preparing the responses, fully consider the references in entirety as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eric Liou whose telephone number is (571)270-1359. The

examiner can normally be reached on Monday - Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Liou/
Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628